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MACMA (Delay)/74/2025

Received on : 15 / 03 / 2025

Registered on : 15 / 03 / 2025

Decided on : 06 / 04 / 2026

Duration : YY MM DD

**BEFORE THE MOTOR ACCIDENT CLAIM TRIBUNAL (Main)
MAHISAGAR AT LUNAWADA.**

MACMA No. 74 of 2025

Exh. :- _____

Applicant :-

Dindor Shantaben Mavjibhai
Age – 55 years, Occupation – Agriculture
R/o. Batakwada, Vaghdhari,
Tal. Santrampur, Dist. Mahisagar.

V E R S U S

Opponents :-

(Owner and insurer of motorcycle no.GJ-20 BG-2414)

1. Katara Atulbhai Keshvabhai
Adult, Owner,
R/o. Barsaleda, Pohatali Faliyatu,
Tal. Fatepura, Dist. Dahod.
2. Universal Sompo General Ins. Co. Ltd.
Unit No.401, 4th Flor, 3rd Eye one,
Opp. Havemor Restaurant, Panchvati,
CG Road, Ahmedabad.

Appearance :-

Ld. Advocate Shri S. B. Patel for applicant

Opponents – Served but not appeared

-:: J U D G M E N T ::-

- (1) As of the present application, claimant Shantaben sustained injuries in a vehicular accident involving the motorcycle no.GJ-20 BG-2414 and hence he intends to file a claim petition for getting compensation from the owner and insurer of the offending vehicle but it caused delay and hence filed present application to condone the delay. It is the say of the applicant that the accident occurred on 25.08.2024 but she is unaware with the procedure of the law and therefore doesn't know about the limitation to file the claim petition and it caused delay by 19 days. Therefore if the delay is not condoned and the claim petition will not be filed than she will have to suffer a huge economic loss. Therefore, the applicant has filed present application and requested to condone the delay.
- (2) Notices of this claim petition have been duly served upon the opponents but none of them appeared to contest this matter.
- (3) Ld. Advocate for the applicant argued that FAR, DAR did not submit by the police before the MAC Tribunal. Moreover the delay occurred in collecting the documents. Also as per the judgment of the Hon'ble High Court of Gujarat, the present application is required to be allowed and delay be condoned. None appeared on behalf of any of the opponent to argue in this matter.
- (4) Herein, it is an undisputed fact that the accident occurred on 25.08.2024, and the present application has been filed on

15.03.2025. The Motor Vehicles Act of 1988 has been amended, and Section 166(3) has been modified to state, “*No application for compensation shall be entertained unless it is made within 6 months of the occurrence of the accident.*”

- (5) But recently, in the case of *Bajaj Allianz General Insurance Co. Ltd. Versus Virsinh Muljibhai Khadiya* reported in **2025 (0) AIJEL-HC 249946**, the Hon’ble High Court of Gujarat has observed in para (35) as under;

“35. Learned advocate appearing for the Insurance Company is not in position to submit that police authority has not followed the procedure laid down in Section 159 or under the Central Motor Vehicle Rules, 2022 and has not filed/forwarded various reports which they are required to file. Even the Insurance Company did not bring on record anything that what they have done to settle the claim as per Section 149, for which they are statutorily bound to do and to offer just, fair and adequate compensation. Thus, in view of aforesaid discussion, it is crystal clear that in case where any request is made and assessable by the tribunal to adjudicate the claim petition in addition to procedure laid down in Section 149, Section 159 reading with Section 166(4) of the Motor Vehicle Act, question of six months limitation would not arise. The question of six months limitation will arise only in case where no FIR has been registered by the police and no report has been sent or uploaded.”

Also in para (37) of the said judgment, it is observed that;

“37. Another aspect which could be noticed that learned advocate appearing for the Insurance Company has failed to point out that by amending Section 166, Legislature has excluded the operation of Limitation Act, 1963. Learned advocate appearing for the Insurance Company argued that since limitation has been specified in the special law being Motor Vehicle Act, the general law being Limitation Act would not be operative. To exclude operation of the Limitation Act, 1963, there must exist a specific exclusion clause, in view of Section 29(2) of the Limitation Act.

Notably, in amended Act the Legislature has not put any clause for relaxing the time limit specified in Section 166(3). In absence of clause permitting Court to relax time stated in Section 166(3), it would be incorrect to say that provisions of the Limitation Act are not applicable.”

- (6) So far as the Hon’ble Apex Court, in the case of *Bajaj Allianz General Insurance Company Private Ltd. vs Union of India & Ors.* in **Writ Petition(s)(Civil) No(s).534/2020** has categorically imposed the guideline to submit FAR, DAR, etc. before the concerned Tribunal in the accidental cases and thereby the police has to submit such reports before the concerned Tribunals within time limit described in that case. In the present case, accident occurred on 25.08.2024 and complaint filed after a month i.e. on 24.09.2024 with Santrampur Police Station vide C.R. No.11187007240870/20243.
- (7) Therefore, considering the above ratio laid down by the Hon’ble Gujarat High Court, as in the present case, it is on record that the complaint of the accident has been lodged on 24.09.2024 with Santrampur Police Station vide C. R. No.11187007240870/20243 and therefore as per the above judgment, question of six months limitation not arise in the present case and even the delay of only 19 days cannot be said.
- (8) Also the opponents not remained present to establish that the police authority has not followed the procedure laid down in Section 159 or under the Central Motor Vehicle Rules, 2022 and has not filed/forwarded various reports which they are required to file. Even they did not bring on

record anything that what the opponents including insurer, if any, have done to settle the claim as per Section 149, for which they are statutorily bound to do and to offer just, fair and adequate compensation. Thus, in view of aforesaid discussion, it is crystal clear that in case where any request is made and assessable by the tribunal to adjudicate the claim petition in addition to procedure laid down in Section 149, Section 159 reading with Section 166(4) of the Motor Vehicle Act, question of six months limitation would not arise. The question of six months limitation will arise only in case where no FIR has been registered by the police and no report has been sent or uploaded. Therefore, considering the same, the following order is passed.

-: ORDER :-

This application is hereby allowed.

The registry is hereby directed to register the claim petition of the applicants.

No order as to costs.

Pronounced in the open court today.

Date : 06.04.2026
Lunawada.

(M. N. Gadkari)
M. A. C. Tribunal (Main)
Mahisagar at Lunawada.
[GJ00425]